IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 5249 of 2006
Date of Decision: 29.9.2006

Ajay Sangroha

...Petitioner.

Versus

R.N.Kapoor and another

...Respondent.

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.

PRESENT: Mr. J.S.Bhatti, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

In this revision petition filed under Article 227 of the Constitution of India, prayer is for quashing of order dated 19.7.2006 (Annexure P-1) passed by the Civil Judge (Senior Division), Panchkula whereby the defence of the defendant-petitioner has been struck off on the ground that the defendant-petitioner had failed to file the written statement.

Learned counsel for the petitioner by referring to the averments made in the petition submitted that due to unavoidable circumstances the petitioner could not file the written statement and that the written statement is ready and in case one opportunity is granted subject to payment of costs, the same shall be filed before the trial court and great injustice shall be caused to the petitioner in case the written statement is not allowed to be filed.

Ordinarily, I would have issued notice of motion to the respondents which would prolong the case and would entail unnecessary expenses to them. Therefore, the present petition is being disposed of

without issuing notice of motion to the respondents.

After hearing learned counsel for the petitioner and in the facts and circumstances of the case and in the interest of justice, the petitioner is allowed to file written statement on or before 16.10.2006 before the trial court subject to payment of Rs.5000/- as costs. It is, however, made clear that in case the petitioner fails to file written statement on or before 16.10.2006 before the trial court or to pay the costs, this revision petition shall be deemed to have been dismissed.

September 29, 2006 **(AJAY KUMAR MITTAL)**
gbs **JUDGE**